

IV. Remarks.

The Examiner entered the following rejections.

1. Claims 1, 4, 6, 13, 16, 28, 31 and 43-45 are rejected under 35 USC 102(b) as being anticipated by Winninger et al (US 6,033,331) in view of White Jr. et al (4,981,461).

As to the independent claims, we discussed the Applicant's position that none of the references teach "a rib with an angle of approximately 90 degrees". Winninger and White each teach automotive belts. See Winninger, col. 1, lines 40-42; White, col. 3, lines 41-50.

Automotive belts operate under significantly different conditions than a lift belt, for example, automotive belts operate at a higher speed, up to 8000 RPM, versus low speed literally a stop/start application for lift belts. Automotive belts operate at a lower tensile load, for example hundreds of pounds, versus a relatively high tensile load, for example, several thousand pounds when lifting an elevator cab and counterweight. A further distinguishing feature is that lift belts have ends while automotive belts are continuous loops. As we discussed, the independent claims are directed to lift belts.

As to the depiction of the angles in the Winninger and White drawings, Applicant respectfully asserts that the reference drawings cannot be scaled when the specification otherwise expressly describes the angle depicted. The Federal Circuit has rejected scaling drawings, instead relying on written information in the specification to explain dimensional features.

"Absent any written description in the specification of quantitative values, arguments based on measurement of a drawing are of little value". Application of Wright, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977). "Under our precedent ... it is well established that patent drawings do not define the precise proportions of elements and may not be relied on to show particular sizes if the specification is completely silent on the issue." Hockerson-Halberstadt, Inc. v Avia Group Intern., Inc., 222 F.3d 951, 956 (CAFed. 2000).

The specifications for Winninger and White each specifically describe the rib angles. This means the drawings cannot be scaled to separately derive information beyond the written description. The law holds that the written specification overrides the visual depiction in the figures.

As we discussed, the Winninger specification specifically describes the rib angle in terms of ISO 9981. The rib angle in ISO 9981 is described as 40 degrees. I believe we had agreement on this point during the interview.

White expressly discloses a rib angle as well, but only up to 60 degrees. Therefore, the White drawings cannot be relied upon to add separate rib angle information beyond the written disclosure. As we discussed, neither the White nor Winninger reference teaches the claimed rib angle of approximately 90 degrees.

The remaining claims are dependent.

2. Claims 2 and 5, 14, 17 and 29 are rejected under 35 USC 103(a) as being unpatentable over Winninger et al and White et al as applied to Claims 1, 13, 16 and 28, and in further view of Adifon et al (WO 99/43598).

Each of the noted claims are dependent.

3. Claims 3, 7, 15, 18-19, 21-22 and 30 are rejected under 35 USC 103(a) as being unpatentable over Winninger et al, White et al and Adifon et al, as applied to claims 2, 14 and 29, and in further view of Suhling (DE 3,934,654) and Seifert (US 3,662,596).

Each of the noted claims are dependent.

4. Claim 20 is rejected under 35 USC 103(a) as being unpatentable over Winninger et al, White et al and Adifon et al, Suhling and Seifert as applied to claim 19, and in further view of Stork (US 3,948,113).

The noted claim is dependent.

5. Claims 8-10 are rejected under 35 USC 103(a) as being unpatentable over Winninger et al, White et al, Adifon et al, Suhling and Seifert, as applied to claim 7, and in further view of Stork.

Each of the noted claims are dependent.

6. Claims 11 and 23 are rejected under 35 USC 103(a) as being unpatentable over Winninger et al and White et al as applied to claims 1 and 13, respectively and in further view of Seifert.

Each of the noted claims are dependent.

7. Claims 12 and 24 are rejected under 35 USC 103(a) as being unpatentable over Winninger et al and White et al as applied to claims 1 and 13, respectively, and in further view of Suhling.

Each of the noted claims are dependent.

8. Claims 25, 33-34 and 36-37 are rejected under 35 USC 103(a) as being unpatentable over Winninger et al and White et al as applied to claims 1 and 13 and 33 respectively, and in further view of Stork.

Each of the noted claims are dependent.

9. Claim 26 is rejected under 35 USC 103(a) as being unpatentable over Winninger et al and White et al and Suhling and in further view of Stork.

The noted claim is dependent.

10. Claims 35 and 38 are rejected under 35 USC 103(a) as being unpatentable over Winninger et al, White et al, Suhling and Seifert, as applied to claim 26, and in further view of Stork.

Each of the noted claims are dependent.

11. Claims 1-2, 4-5, 13-14, 16, 17, 28-29, 31 and 43-45 are rejected under 35 USC 103(a) as being unpatentable over Adifon et al (WO 99/43598) in view of McKay (US 2,221,984).

During the interview I argued that the closest related lift belt art is Adifon which is simply a flat belt. The new belt claims add ribs having an angle of approximately 90 degrees to the prior art flat belt. Ribs enhance tracking and eliminate flanges on pulleys. Further, the new ribs accordion the prior art flat belt as well, as making it less wide. The effect of the approximate 90 degree rib angle is beneficial as to the frictional engagement between the belt and the pulley. It also serves to reduce or eliminate noise generation between the belt and the pulley. This is further disclosed in the specification on page 5, lines 1-20.

The references do not teach all of the claim limitations and so there can be no incentive to combine the references. In particular, as to independent claims 1, 13, 28, 43 and 45 it is established that Adifon makes no mention of ribs, instead only teaching flat ropes (16), see WO '598 page 4, line 20.

McKay does not teach nor reasonably imply the claimed rib angle. Although McKay cites "ribs 12", the specific disclosure cited by the Examiner (Pg. 2, lines 35-49) does not specify a rib angle of approximately 90 degrees, but instead only refers generally to "pyramidal recesses" or "depressions", at line 41. The term "pyramidal" in no way teaches a rib angle range of approximately 90° since a pyramid may have very "steep" sides, as in an obelisk, or be very "flat" having extremely divergent sides such as with a very wide base and minimal height. Neither are particularly taught here.

As argued previously for Winninger, the figures in McKay are not available to be scaled to reach the desired rib angle, nor do any of the figures otherwise specify a rib angle. This is perhaps due in part that McKay is not directed to a rib angle. McKay is directed to a belt having alternating layers of rubber and textile with a molded or embossed surface. The ribs are simply referred to as "pyramidal" in shape. Inferring a rib angle based solely upon the figures reads information into the reference which is simply not there.

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The reference in McKay to "ribs disposed at right angles to each other" col. 2, lines 50-52 (Fig. 6) refers only to the relationship between the rows and columns of the ribs and is not a teaching directed to the rib angle itself as claimed.

Lastly, and unlike Winninger, McKay does not incorporate any other source to provide rib angle information. Consequently, the Adifon/McKay combination does not teach or suggest the limitation directed to "the ribbed profile having a rib with an angle of approximately 90°".

The remaining claims are dependent. Applicant requests that the application be passed to allowance.

V. Fees

Any fees payable for this response including the petition fee may be deducted from deposit account 07-0475 in the name of The Gates Corporation.

Thank you for your attention to this case.

Sincerely,



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